

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of
himself and other similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the United
States, *et al.*,

Defendants.

CASE NO. C17-00094RAJ

**STIPULATION FOR ORDER
REVISING CASE SCHEDULE;
ORDER THEREON**

WHEREAS on July 9, 2019, the Court entered an order requiring, among other things, that (1) defendants reproduce the A-files of the five named plaintiffs so as to disclose any “why information” originating solely from within U.S. Citizenship and Immigration Services (USCIS); and (2) the parties meet and confer regarding the production of a random sample of additional class member A-files; and

WHEREAS the parties have met and conferred and agreed that defendants will produce a random sample of four additional plaintiff A-files; and

WHEREAS defendants have identified issues associated with the speed and timing of the production of documents ordered by the Court on July 9, 2019, which includes documents requiring third-party agency review; as well as with the impact that the production of such documents has had

on the speed and timing of the production of other outstanding document discovery necessitating third-party agency review; and

WHEREAS the parties understand that speed and timing of the production of these categories of document discovery will impact the parties' respective abilities to respond to other outstanding discovery, including, but not limited to, the timing of depositions, identification of expert witnesses and the production of supplemental discovery responses; and

WHEREAS, the parties have negotiated a proposal, set out below, to adjust the case schedule to, among other things, allow defendants to process, and plaintiffs to receive, the four randomly-selected A-files that defendants have agreed to produce and several hundred additional responsive documents currently undergoing review by third-party agencies; and

WHEREAS the parties are mindful of their obligations to adhere to the case schedules adopted by the Court, and have been endeavoring to comply, but jointly believe there is good cause for a modification of the case schedule because of the necessities of the case, as summarized above,

NOW THEREFORE the parties through their respective counsel of record do hereby stipulate and agree that the Court may make and enter the following order:

The case schedule established by the Court on August 9, 2019, shall be modified as follows:

BENCH TRIAL DATE:	To be set by the Court
Length of Trial	5 days
Deadline to Complete Discovery (other than expert discovery and all depositions), which extension does not authorize new written discovery requests (other than requests to admit) or subpoenas for document production	November 29, 2019
Deadline to File Discovery-Related Motions	December 20, 2019
Expert Witness Disclosures/Reports Under FRCP 26(a)(2)	January 31, 2020
Deadline for Depositions (other than of experts)	February 14, 2020
Responsive Expert Witness Disclosure/ Reports Under FRCP 26(a)(2) Due	March 13, 2020
Deadline to Complete Expert Discovery (including all expert depositions)	April 6, 2020

All dispositive motions must be filed on or before May 11, 2020, and noted, pursuant to LCR7(d)(3), for no later than June 5, 2020

May 11, 2020

All motions in limine must be filed by and noted on the motion calendar no later than three Fridays thereafter pursuant to LCR7(d)(4)

July 13, 2020

Agreed Pretrial Order due

July 24, 2020

Pretrial conference

To be set by the Court

Trial briefs, deposition designations, and trial exhibits due

July 31, 2020

SO STIPULATED.

DATED: September 25, 2019.

JOSEPH H. HUNT
Assistant Attorney General
Civil Division
U.S. Department of Justice

BRIGHAM J. BOWEN
Senior Trial Counsel
Federal Programs Branch

AUGUST FLENTJE
Special Counsel
Civil Division

ANDREW C. BRINKMAN
Senior Counsel for National Security
Office of Immigration Litigation

ETHAN B. KANTER
Chief, National Security Unit
Office of Immigration Litigation
Civil Division

LINDSAY M. MURPHY
Senior Counsel for National Security
Office of Immigration Litigation

BRIAN T. MORAN
United States Attorney

BRENDAN T. MOORE
Trial Attorney
Office of Immigration Litigation

/s/ Victoria M. Braga
VICTORIA M. BRAGA
Trial Attorney
Office of Immigration Litigation

JESSE L. BUSEN
Trial Attorney
Office of Immigration Litigation

LEON B. TARANTO
Trial Attorney
Torts Branch
Civil Division

MICHELLE R. SLACK
Trial Attorney
Office of Immigration Litigation

BRIAN C. KIPNIS
Assistant United States Attorney
Western District of Washington

Counsel for Defendants

SO STIPULATED.

DATED: September 25, 2019.

s/ Jennifer Pasquarella
Jennifer Pasquarella (admitted pro hac vice)
ACLU Foundation of Southern California
1313 W. 8th Street
Los Angeles, CA 90017
Telephone: (213) 977-5236
jpasquarella@aclusocal.org

s/ Matt Adams
Matt Adams #28287
Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98122
Telephone: (206) 957-8611
matt@nwirp.org

s/ Stacy Tolchin
Stacy Tolchin (admitted pro hac vice)
Law Offices of Stacy Tolchin
634 S. Spring St. Suite 500A
Los Angeles, CA 90014
Telephone: (213) 622-7450
Stacy@tolchinimmigration.com

s/ Hugh Handeyside
s/ Lee Gelernt
s/ Hina Shamsi
Hugh Handeyside #39792
Lee Gelernt (admitted pro hac vice)
Hina Shamsi (admitted pro hac vice)
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
Telephone: (212) 549-2616
lgelernt@aclu.org
hhandeyside@aclu.org
hshamsi@aclu.org

s/ Harry H. Schneider, Jr.
s/ Nicholas P. Gellert
s/ David A. Perez
s/ Cristina Sepe
Harry H. Schneider, Jr. #9404
Nicholas P. Gellert #18041
David A. Perez #43959
Cristina Sepe #53609
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
HSchneider@perkinscoie.com
NGellert@perkinscoie.com
DPerez@perkinscoie.com
CSepe@perkinscoie.com

s/ Trina Realmuto
s/ Kristin Macleod-Ball
Trina Realmuto (admitted pro hac vice)
Kristin Macleod-Ball (admitted pro hac vice)
American Immigration Council
1318 Beacon St., Suite 18
Brookline, MA 03446
Telephone: (857) 305-3600
trealmuto@immcouncil.org
kmacleod-ball@immcouncil.org

s/ Emily Chiang
Emily Chiang #50517
ACLU of Washington Foundation
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Telephone: (206) 624-2184
Echiang@aclu-wa.org

Counsel for Plaintiffs

///

///

ORDER

IT IS SO ORDERED.

DATED: September ____, 2019.

RICHARD A. JONES
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Victoria M. Braga
VICTORIA M. BRAGA
Trial Attorney
United States Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
Phone: (202) 616-5573
E-mail: Victoria.M.Braga@usdoj.gov